IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13526 of 2007

MONDAY, THE TWENTY THIRD DAY OF JULY TWO THOUSAND AND SEVEN

Between:

B. Rajesh Kumar, S/o. Isreal Bodicherla,
Aged about 32 years, Occ: Student,
R/o.H.No.17-4-96, David Street,
Purnandampet, Vijayawada, Krishna District.

… Petitioner

And

The Director, Institute of Science & Technology,
JNT University, Kukatpally, Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not allowing the petitioner to write I semester examinations along with IV semester examinations of M. Sc. Course scheduled from 30-07-2007 to 11-08-2007 as arbitrary and illegal and a consequential direction to the respondents to allow

him to write the said examinations.

2. Petitioner was admitted into M. Sc. Course (EST) in 1997, which is of two years duration, in the first respondent-University. As per the academic regulations, a candidate admitted to the said course should complete the same within a period equal to twice the prescribed duration, from the date of admission. Petitioner could not pass Environmental Microbiology – EST 13- a subject of first semester. The grievance of the petitioner is that respondents are not allowing him to appear for IV semester examinations on the ground that he could not complete the aforesaid backlog subject.

3. First respondent has filed counter affidavit stating that petitioner failed to complete the course within the time prescribed under the academic regulations and hence his seat was forfeited. It is stated that even though petitioner forfeited the seat, his representation dated 09-09-2004 was considered by the University and he was given a chance to write two subjects, i.e. one subject each in I and IV semesters in July, 2004; however he could not avail the opportunity and once again failed in the I semester. In the counter affidavit, it is also stated that no examinations of first semester are being conducted during 30-07-2007 to 11-08-2007 as alleged by the petitioner and no hallticket has been issued to him.

4. From the academic regulations of the University, it is clear that a candidate should complete the course within double the duration, from the date of admission. In this case, it is not in dispute that petitioner could not complete the course within the stipulated time and he forfeited his seat. Even though respondents have given him an opportunity to complete two backlogs, i.e. on each in I and IV semesters, he could not avail that opportunity and failed in I semester.

When the respondents have specifically stated in the counter affidavit that no examinations of I semester are scheduled during 30-07-2007 to 11-08-2007 as alleged by the petitioner, the question of directing the respondents to permit the petitioner to appear for those examinations does not arise. However, petitioner is not precluded from making a representation to the respondents to appear for backlogs as and when examinations are notified.

5. The writ petition is accordingly disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 23, 2007
MRR